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NBK INNOVATION XIII, LLC,  
DOJO VENTURES FUND II, LLC, SU FUND I,  
A SERIES OF INCISIVE VENTURES LP,  
ANTONIO SALERNO, SUSAN LEIBY, ALESSCO, INC.  
DEFINED BENEFIT PLAN, ROBERT HESS,  
AND MJ JAMIOLKOWSKI FLP

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NBK INNOVATION XIII, LLC, DOJO VENTURES  
FUND II, LLC, SU FUND I, A SERIES OF  
INCISIVE VENTURES LP, ANTONIO SALERNO,  
SUSAN LEIBY, ALESSCO, INC. DEFINED  
BENEFIT PLAN, ROBERT HESS, AND MJ  
JAMIOLKOWSKI FLP,

Plaintiffs,

v.

SUAVEI, INC., AFONSO INFANTE, AND  
ALLISON WONG,

Defendants.

Case No.: 2:22-cv-01415-JAD-BNW

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE APRIL 24,  
2024 SETTLEMENT CONERENCE  
AND TO CONTINUE STAY OF  
DISCOVERY**

IT IS HEREBY STIPULATED AND AGREED between Plaintiffs NBK Innovation XIII, LLC,  
DOJO Ventures Fund II, LLC, SU Fund I, a Series of Incisive Ventures LP, Antonio Salerno, Susan  
Leiby, Alessco Inc. Defined Benefit Plan, Robert Hess, and MJ Jamiolkowski FLP (collectively,

1 “Plaintiffs”), and Defendant Allison Wong (“Defendant” or “Defendant Wong”), by and through their  
2 undersigned counsel, that:

3 (1) the April 24, 2024 settlement conference to be conducted by Magistrate Judge Brenda  
4 Weksler be continued for a period of no less than approximately one-hundred and twenty days (120)  
5 days; and

6 (2) the discovery stay that is currently in effect be extended until seven (7) days after completion  
7 of the continued settlement conference, with the lone exception of permitting the parties to take the  
8 deposition of non-party witness Frank DeJoy.

9 **I. BACKGROUND.**

10 On July 17, 2023, the Court entered a stipulation and order to schedule settlement conference,  
11 stay discovery, and extend discovery 90-days after the settlement conference. (ECF No. 43.) On July  
12 17, 2023, the Court also entered an order scheduling the settlement conference for September 27, 2023.  
13 (ECF No. 44.)

14 On September 27, 2023, the settlement conference commenced before Magistrate Judge Brenda  
15 Weksler. (*See* Minutes of Proceedings, ECF No. 45.) The Court heard presentations from counsel and  
16 the parties and met separately with each side in caucuses. (*Id.*) No settlement occurred during this  
17 initial session of the settlement conference, and the Court continued the settlement conference to  
18 January 24, 2024. (*Id.*)

19 Near the conclusion of the initial settlement conference on September 27, 2023, the parties  
20 discussed staying discovery, with the lone exception of taking the deposition of Frank DeJoy, until after  
21 the second session of the settlement conference on January 24, 2024. The parties agreed to stay  
22 discovery, with the lone exception, until January 31, 2024. On October 16, 2023, Magistrate Judge  
23 Brenda Weksler entered an order staying discovery in this manner until January 31, 2024. (ECF No.  
24 46.)

25 On January 22, 2024, the Court entered an order continuing the settlement conference to April  
26 24, 2024 because defendant Afonso Infante, who has had a default judgment entered against him in this  
27 case, filed a motion to Quash Writs of Execution and Subpoenas in the Northern District of California,  
28 Case No. 23-mc-LJC (the “Northern District of California Case”). (*See* ECF 53.)

1 **II. REASONS FOR CONTINUANCE.**

2 The parties acknowledge that Plaintiffs' success in executing on the default judgments entered  
3 by this Court against defendant Suavei, Inc. (ECF No. 34) defendant Afonso Infante (ECF No. 39) will  
4 have a material effect on settlement negotiations in the second session of settlement conference  
5 scheduled by this Court. As stated, Plaintiffs have registered said default judgments in the Northern  
6 District of California Case. After the first session of the settlement conference concluded on September  
7 27, 2023, Plaintiffs discovered certain accounts belonging to defendant Infante, served writs of  
8 execution and subpoenas in the Northern District of California Case.

9 On December 6, 2023, defendant Afonso Infante filed a Motion to Quash Writs of Execution  
10 and Subpoenas in the Northern District of California Case. Defendant Infante, however, did not consent  
11 to have Magistrate Judge Cisneros hear his motion in the Northern District of California Case. As a  
12 result, the hearing on defendant Infante's motion was continued so that the district court judge could  
13 hear it. Recently, the district court judge in the Northern District of California Case issued an order  
14 denying Defendant Infante's motion to Quash the Writs of Execution and Subpoenas.

15 On April 4, 2024, Chief Magistrate Judge Donna M. Ryu, United States District Court, Northern  
16 District of California, issued an order requiring the authorized representative of Charles Schwab & Co.  
17 Inc. to appear to an oral examination under oath on May 7, 2024 at the Ronald V. Dellums Federal  
18 Building & United States Courthouse in Oakland, California. (*See* ECF 55.) Further, Plaintiffs have  
19 recently requested by subpoena in the Northern District of California Case all documents related to TD  
20 Ameritrade and Charles Schwab accounts held on behalf of Defendants Infante and Suavei, Inc.  
21 Finally, Writs of Execution have also been recently issued in the Northern District of California Case  
22 and have been sent to the U.S. Marshall for service of bank levies on Bank of America and Charles  
23 Schwab.

24 The parties therefore submit that the April 24, 2024 settlement conference in this case be  
25 continued for a period of no less than approximately 120 days. The parties also submit that the current  
26 discovery stay should also be extended until seven (7) days after the conclusion of the continued  
27 statement conference, with the lone exception of taking the deposition of non-party witness Frank  
28 DeJoy.

**III. REQUEST FOR FORMAL ORDER APPROVING STIPULATION.**

Based on the foregoing, the parties respectfully request the Court to enter a formal order: (1) continuing the April 24, 2024 settlement conference for a period of no less than approximately one-hundred twenty (120) days; and (2) extending the current stay of discovery until seven (7) days after the date of the continued settlement conference, with the lone exception of permitting the parties to take the deposition for Frank DeJoy.

DATED this 15<sup>th</sup> day of April, 2024.

HUTCHISON & STEFFEN, PLLC

/s/ Stewart C. Fitts

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*Attorneys for Defendant Allison Wong*

**DATED:** 4/16/2024

The settlement conference is continued to

8/28/2024 at 10:00 a.m. The pre-settlement

telephonic conference is continued to 8/27/2024

at 3:00 p.m. The parties briefs are due to

ashley\_schobert@nvd.uscourts.gov at 4:00 p.m.

on 8/21/2024.

**IT IS SO ORDERED.**

  
UNITED STATES MAGISTRATE JUDGE